

August 4, 2014

Mr. Tom Hudson, Director
Land Use Services Department
San Bernardino County
385 North Arrowhead Ave, First Floor
San Bernardino, CA 92415-0187

RE: P200900339
APN: 0531-231-55

A PUBLIC RECORDS ACT REQUEST

Mr. Ken Alex, Director
Governor's Office of Planning and Research
POB 3044
Sacramento, CA 95812-3044

SUBJECT: SAN BERNARDINO COUNTY LAND USE SERVICES DEPARTMENT'S PERSISTENT FAILURES TO COMPLY WITH FOUR PREVIOUS PUBLIC RECORDS ACT REQUESTS CONCERNING THE APPROVAL PROCESS OF A CONTROVERSIAL INDUSTRIAL-SCALE SOLAR ENERGY PROJECT ON MT. VIEW ROAD IN NEWBERRY SPRINGS, WITH 27-FOOT TALL SOLAR PANELS ON OVER 20 ACRES, IN THE MIDDLE OF A RESIDENTIAL NEIGHBORHOOD, WHICH IMPEDES THE COMMUNITY VIEWS OF THE NEWBERRY MOUNTAINS WILDERNESS AREA, AN ISSUE THAT SEEMS TO HAVE BEEN UNADDRESSED IN THE COUNTY'S ENVIRONMENTAL REVIEW.

UNDER CONSIDERATION IS WHETHER THE ABOVE-DESCRIBED DENIAL OF DUE PROCESS MIGHT CONSTITUTE A FEDERAL CIVIL RIGHTS VIOLATION OF TITLE 42, SECTION 1983, ET SEQ

THIS IS OUR FIFTH CALIFORNIA PUBLIC RECORDS ACT REQUEST, TO OBTAIN PREVIOUSLY UNPROVIDED PUBLIC RECORDS, AS LISTED IN OUR JUNE 13, 2014 REQUEST INRE THE APPROVAL PROCESS OF THE SOITEC SOLAR ENERGY PROJECT ON MT.VIEW ROAD IN NEWBERRY SPRINGS, CALIFORNIA.

Dear Mr. Hudson and Mr. Alex:

Based on the limited response we have had to previous Public Records Act requests, it would appear that the Soitec solar energy project on Mt. View Road was approved with seven-foot-tall solar panels and some conditions of approval that seem to have vanished, by the San Bernardino County Board of Supervisors on July 13, 2010. The mystery is how the same project was built to a height of approximately 27-foot tall solar panels and without some of the original conditions of approval.

We began looking into this issue with our first Public Records Act request on February 28, 2014. This was done after a sit-down meeting with two Soitec officials on February 27th. At that meeting in Newberry Springs, in reply to our request for substantiating documents, of which he had been previously advised, the Permitting Manager for Soitec Energy, Mr. Patrick Brown, said he had not retained those records. He suggested that we try the County.

Based on what we have seen, it appears that our County Board of Supervisors never has approved the existing 27-foot tall solar panels at the existing Mt. View Road solar energy project site. Who did approve the 27-foot solar panels, if anyone? We still do not know.

Our fourth Public Records Act request to Mr. Hudson, listing four separate public records requests, was dated June 13, 2014 and was acknowledged by an email from Ms. Sonick on that same date, with an advisement that they anticipated to make their reply within 30 days. But over 50 days have since elapsed. We have not heard one word from anyone since June 13th.

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Newberry Springs is a small rural community in the High Desert, with a population probably under 4,000. It might possibly qualify as economically disadvantaged. We feel that it has been unfairly targeted by San Bernardino County as a dumping ground for adverse industries as a matter of unofficial policy, and we are wondering if that might open the door to some judicial relief via Title 42.

It is our understanding that the Governor's Office of Planning and Research has some authority over the San Bernardino County Land Use Services Department. By this letter, we are respectfully asking Mr. Alex to take a look at the above-described situation and suggest or provide whatever relief he deems appropriate to this community.

Thank you very much for your assistance and consideration of this matter.

Sincerely,



Robert Berkman, President
CEQA-NOW
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Newberry Springs, CA 92365
760-257-9900
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CC: SUPERVISOR ROBERT LOVINGOOD, ATT: MR. RON FRAME, SENIOR FIELD REPRESENTATIVE
CC: CONGRESSMAN PAUL COOK, ATT: MR. DAKOTA HIGGENS, STAFF ASSISTANT
CC: MR. ROBERT HINGTGEN, PROJECT MANAGER, SAN DIEGO COUNTY DEPARTMENT OF
PLANNING AND DEVELOPMENT
CC: MR. LE HAYES, GENERAL MANAGER, NEWBERRY SPRINGS COMMUNITY SERVICES DISTRICT
CC: MR. TED STIMPFEL, NEWBERRY SPRINGS COMMUNITY ALLIANCE
CC: DR. GAVIN ERASMUS
CC: DR. DEBRA HUGHSON
CC: MR. JEAN RENE BASLE, COUNTY COUNSEL, SAN BERNARDINO COUNTY
CC: MR. ROBERT VASSEUR, DIRECTOR, NEWBERRY SPRINGS COMMUNITY SERVICES DISTRICT
CC: MS. YVONNE JOHNSON, SAN BERNARDINO COUNTY OFFICE OF COMPLIANCE AND ETHICS
CC: MR. MICHAEL A. RAMOS, DISTRICT ATTORNEY, SAN BERNARDINO COUNTY
CC: MR. GREGORY C. DEVEREAUX, CHIEF EXECUTIVE OFFICER, SAN BERNARDINO COUNTY